SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1941

No. 722

A. D. DYESS,

Petitioner,

vs.

H. J. MILLER.

MOTION TO SUBSTITUTE MRS. MARTHA MILLER AS RESPONDENT.

To the Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States:

In the above entitled case the petitioner seeks a writ of certiorari to review a judgment of the Supreme Court of Texas. While the said case was pending in the Court of Civil Appeals of Texas, H. J. Miller died. His widow, Martha Miller, filed a suggestion of death with the Court of Civil Appeals (R. 119-121) wherein she stated that H. J. Miller had died; that she had been appointed independent executrix of his estate; that it was doubtful if it was necessary that she be substituted as a party to the suit, but if it was necessary that she be so substituted. No substitution

was made by the Court nor by the Supreme Court of Texas which granted a writ of error to the Court of Civil Appeals.

Petitioner respectfully requests said Mrs. Martha Miller be substituted as respondent in this case.

H. Russell Bishop,
Attorney for Petitioner.

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